

05-03-06

Howrey Docket No.: 00322.0007.NPUS00

1FW 3624

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: ~~Application~~ of:

Gastineau *et al.*

Appl. No.: 09/536,258

Filed: March 27, 2000

For: HEDGING EXCHANGE TRADED  
MUTUAL FUNDS OR OTHER  
PORTFOLIO BASKET PRODUCTS

Examiner: Charles, Debra F.

Art Unit: 3624

Confirmation No.: 3646

Atty. Docket No: 00322.0007.NPUS00

Date: May 2, 2006

**TRANSMITTAL OF INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. §1.56, 1.97 and 1.98**

***Mail Stop Amendment***

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

- ☒ Supplemental Information Disclosure Statement under 37 C.F.R. §1.56, 1.97 and 1.98;
- ☒ Form PTO-1449 citing two (2) references, copies of which are provided;
- ☒ Copy of Communication from Foreign Patent Office dated April 5, 2006; and
- ☒ Return postcard.

**CERTIFICATE OF MAILING**  
(37 C.F.R. §1.10(a))

I hereby certify that this paper (along with any referred to as being attached hereto) is being deposited with the United States Postal Service (USPS) on the date shown below using the "Express Mail Post Office to Addressee" service of the USPS (**Express Mail No. EL 560496078US**) in an envelope addressed to the *Mail Stop Amendments*, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May 2, 2006  
Date of Deposit

Joan M. Gordon  
Name of Person Mailing Paper

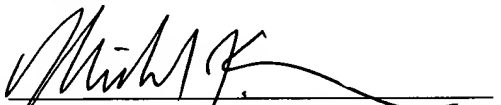
  
Signature of Person Mailing Paper

No fees are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement, however, should any other fees be required for any reason, the Commissioner is authorized to deduct said fees from Deposit Account No. 08-3038, Atty. Docket No. 00322.0007.NPUS00.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,

Date: May 2, 2006

  
Michael J. Stinson (Reg. No. 45,429)

HOWREY SIMON ARNOLD & WHITE, LLP  
2941 Fairview Park Drive, Box 7  
Falls Church, VA 22042  
Facsimile (571) 273-8300  
Telephone (949) 721-6900 (Pacific Coast)



Howrey Docket No.: 00322.00007.NPUS00

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gastineau *et al.*

Appl. No.: 09/536,258

Filed: March 27, 2000

For: HEDGING EXCHANGE TRADED  
MUTUAL FUNDS OR OTHER  
PORTFOLIO BASKET PRODUCTS

Examiner: Charles, Debra F.

Art Unit: 3624

Confirmation No.: 3646

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Date: May 2, 2006

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

***Mail Stop Amendment***

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the two (2) listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. §§ 1.97(g),(h), this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

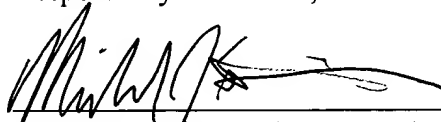
In accordance with 37 C.F.R. § 1.97(e)(1), Applicants hereby certify that each item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the present statement, as evidenced by the enclosed Communication dated April 5, 2006.

No fees are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement, however, should any other fees be required for any reason, the Commissioner is authorized to deduct said fees from Deposit Account No. 08-3038, Atty. Docket No. 00322.00007.NPUS00.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,

Date: May 2, 2006

  
Michael J. Stimson (Reg. No. 45,429)

HOWREY SIMON ARNOLD & WHITE, LLP  
2941 Fairview Park Drive, Box 7  
Falls Church, VA 22042  
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May 2, 2006  
Date of Deposit

Joan M. Gordon  
Name of Person Mailing Paper

  
Signature of Person Mailing Paper

Form PTO-1449 (modified)

Atty. Docket No.:  
00322.0007.NPUS00Serial No.:  
09/536,258

List of Patents and Publications for Applicant's

Applicant:  
Gary L. Gastineau

## INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Filing Date:  
March 27, 2000Group:  
3624U.S. Patent Documents  
*See Page 1*Foreign Patent Documents  
*See Page 1*Other Art  
*See Page 1*

U.S. Patent Documents (do NOT delete this heading)

## U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.

## Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
		0 434 877 A1	07/03/91	EP			
		W0 96/18963	06/20/96	PCT			

## Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	Copy of Communication pursuant to Article 96(2) EPC, dated April 5, 2006.

EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)

